



MONTANA LEGISLATIVE BRANCH

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DATE: October 31, 2002

TO: Legislative Finance Committee

FROM: Taryn Purdy

RE: Section in HB 2 Narrative for Intent Language

At its October 3, 2002 meeting, the Legislative Finance Committee heard a report seeking the committee's concurrence to add a section to the narrative that accompanies HB 2 through the legislative process and is used to construct the Fiscal Report. This section would be for legislative intent language that may not be appropriate for HB 2. The committee asked staff to provide a follow up report on how the content of this section would be determined.

Content is primarily both a staff and committee member training issue, and of being aware of the difference between language the legislature wishes to have in law (HB 2) and consequently expect and require enforcement, and language wherein the legislature wishes to express intent without necessarily giving it the force of law. The expectations and potential ramifications of non-compliance would have to be clear to agencies in the absence of legal force.

As stated during the meeting, the intent language inserted would still be a legislative action (requiring approval by the legislature) as opposed to the wishes of an individual legislator without legislative sanction. Consequently, a vote would have to be taken by a committee of the legislature to insert the language in the narrative. We propose the following:

- 1) The language could originate through vote of the subcommittee, but would require concurrence by both House Appropriations and Senate Finance.
- 2) All HB 2 narrative language insertions would be presented to House Appropriations and Senate Finance when those respective committees heard HB 2 for vote.

Two factors need to be kept in mind:

- 1) As stated in the first report, the narrative does not have force of law.
- 2) The legislature as a whole does not vote on the narrative. Consequently, it would be imperative that members of the legislature know what was in the narrative to allow for action on language not desired.

Options

- 1) Endorse the concept of narrative language without force of law.
- 2) Do not endorse the concept.